HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 520 OF 2007.

Naresh Kumar. ..Petitioner.

Versus.

Department of Atomic Energy
& others. ..Respondents.

Suresh Pakale for the petitioner.

J. C. Satpute for the respondents.

Ms. C.A. Munim with Mr. H. K. Bhalerao i/b M/s Rajesh Kothari for respondent nos. 2 & 3.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.

DATE : APRIL 4, 2007.

P.C.

1. Heard learned counsel Mr. Suresh Pakale. The communication dated September 5, 2005 from the Under-Secretary to the Government of India, Department of Atomic Energy is challenged. By the said order, the representation which was made by the petitioner was reconsidered and it was rejected. It shows that the earlier representation which was there, was also rejected. The petitioner again made a representation for reconsideration and it was considered. What is to be noted is that the first rejected representation was

of the year 1999. This is a matter pertaining to the retirement dues and the pensionary benefits, therefore, it was obligatory for the petitioner to approach to this Court immediately after the rejection of his representation. Surprisingly, though the petition was filed at the belated stage, no explanation has been offered in the writ petition as to why there is delay on the part of the petitioner in approaching this Court. Thus, petition suffers from unexplained delay and latches. Apart from that, what we find is that, that the option of pro-rata pension was given by the petitioner himself and now when that affected him adversely he is trying to challenge the option. Such option, once exercised, cannot be challenged at the sweet will of the petitioner, and therefore even on merit we do not find any substance in the petition. Petition is, therefore rejected.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**